

### **REMARKS**

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 2-19 and 24-42 were pending prior to the Office Action. Claims 43-46 have been added through this Reply. Therefore, claims 2-19 and 24-46 are pending. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

#### ***Claim Rejections – 35 U.S.C. §103(a)***

Claims 2-19 and 24-42 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,317,141 to Pavley et al. (“Pavley”) in view of U.S. Patent No. 5,767,845 to Oashi et al. (“Oashi”), and further in view of U.S. Patent No. 6,084,169 to Hasegawa et al. (“Hasegawa”). Applicants respectfully traverse the rejection.

#### **Independent Claims 16 and 17**

Independent claim 16 is directed to a method for adjusting an image playback time of a plurality of images and a music playback time of accompanying music to substantially coincide, comprising: (a) accepting input of instructions for selecting images and music to be played back; (b) setting at least one of images to be played back, an image playback time for playing back said images, music to be played back, movies to be played back, a total playback time, a music genre, a screen switching method, and a mixing level, wherein said music is prepared separately from said images; (c) obtaining at least one of said image playback time and said music playback time from said setting of said images and said setting of said music; (d) adjusting at least one of said obtained image playback time and said obtained music playback time to make a period of a first playback time, which is the playback time for the images, substantially coincide with a period of a second playback time, which is the playback time for said music, wherein said first playback time is defined based on the number of said images and on a playback time for each of said plurality of images; and (e) processing at least one of the images and the music after said adjusting of at least one of said obtained image playback time and said obtained music playback time. As amended, claim 16 specifies that the adjusting step includes retrieving one or more

specific timings of said music and switching images by synchronizing with at least one of said specific timings of said music.

The primary reference, Pavley, discloses a digital video camera that captures various types of image data, including video and still images (see col. 3, lines 55-61). Audio is recorded by an audio sub-system 142 along with video data (see col. 5, lines 37-67). The secondary reference, Oashi, discloses a multimedia playback device wherein audio data is divided into segments corresponding to the display times of image data and wherein said segments are played successively while the image data corresponding to the audio data is displayed (see Fig. 10; col. 14, lines 30-39).

However, Applicants submit that Pavley and Oashi fail to disclose or suggest a method as recited in claim 16, which as amended specifies that the adjusting step (d) includes the step of retrieving one or more specific timings of said music and switching images by synchronizing with at least one of said specific timings of said music. As described on page 17, line 5 to page 18, line 5 of the Specification, retrieving specific timings of music and synchronizing switching images with said specific timings of said music allows for the playback backup-tuned images whose images and music are more naturally matched with each other than in the disclosures of the prior art.

Applicant further submits, that the tertiary reference, Hasegawa, fails to teach or suggest the step of retrieving and synchronizing specific timings as recited in independent claim 16.

In view of the above, the asserted combination of Pavley, Oashi, and Hasegawa (assuming these references may be combined, which Applicant does not admit) fails to establish *prima facie* obviousness of claim 16, or any claim depending therefrom. Furthermore, independent claim 17, as well as its dependent claims, define over the asserted combination of Pavley, Oashi, and Hasegawa based on similar reasoning to that set forth above with regard to claim 16.

Therefore, Applicants submit that claims 2-19 and 24-42 are patentable over Pavley, Oashi, and Hasegawa and respectfully request that the rejection of said claims under §103(a) be withdrawn.

Independent Claims 32 and 36

Independent claim 32 is directed to a method of making a movie playback time and a music playback time substantially coincide. The method of claim 32 comprises: (a) accepting input of instructions for selecting a movie and music to be played back; (b) setting a movie to be played back and music to be played back based on the instructions; (c) obtaining at least one of a movie playback time and a music playback time based on the setting step; (d) adjusting at least one of the obtained movie playback time and the obtained music playback time to make a period of a first playback time, which is a playback time for the movie, substantially coincide with a period of a second playback time, which is a playback time for the music, the adjusting step achieving a backup-tuned movie with coinciding movie playback and music playback times; and (e) processing said music after said adjusting of said at least one of said obtained movie playback time and said obtained music playback time. According to the method of claim 32, when total playback time is not previously designated and movie playback time is chosen as a basis for adjustment, the adjusting step adjusts music playback time so that the music playback time substantially coincides with the movie playback time. Claim 32 further specifies that, when total playback time is not previously designated and movie playback time is not chosen as a basis for adjustment, the adjusting step adjusts movie playback time so that movie playback time substantially coincides with the music playback time. As amended, claim 32 further specifies that the processing step further includes a mixing step which mixes voice data included in movie data and separately-prepared music.

Pavley and Oashi disclose the aforementioned digital video camera and multimedia playback device, respectively. However, Applicants submit that Pavley and Oashi fail to disclose or suggest processing said music by mixing voice data included in movie data and separately-prepared music, as recited in amended claim 32.

Furthermore, Applicant submits that Hasegawa fails to teach or suggest this processing technique as recited in independent claim 32. Consequently, the asserted combination of Pavley, Oashi, and Hasegawa (assuming these references may be combined, which Applicant does not admit) fails to establish *prima facie* obviousness of claim 32, or any claim depending therefrom.

Furthermore, independent claim 36, as well as its dependent claims, define over the asserted combination of Pavley, Oashi, and Hasegawa based on similar reasoning to that set forth above with regard to claim 32.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103.

### CONCLUSION

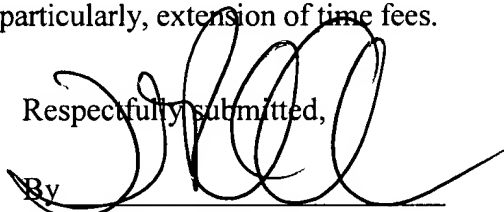
All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,



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